

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:19-cv-442-FDW**

REGINALD WILLIAM LINDSEY,)
)
)
Plaintiff,)
)
)
vs.)
)
JAMES EXUM,)
)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on its April 3, 2020, Order dismissing the Complaint and requiring Plaintiff to file an Amended Complaint. (Doc. No. 3).

The Complaint was dismissed on initial review pursuant to 28 U.S.C. § 1915A¹ for failure to state a claim upon which relief can be granted. (Doc. No. 3). The Court granted Plaintiff 30 days to file an Amended Complaint and warned him that failure to do so would result in this case's dismissal without further notice. (Doc. No. 3 at 3). Plaintiff sought extensions of time, which were granted until August 18, 2020. (Doc. Nos. 5, 8). That deadline has now expired, and Plaintiff has not filed an Amended Complaint or sought a further extension of time.

Plaintiff appears to have abandoned this action and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any

¹ Plaintiff paid the filing fee.

such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice for Plaintiff's failure to file an Amended Complaint pursuant to this Court's order dated April 3, 2020.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: August 26, 2020


Frank D. Whitney
United States District Judge